

Introduced by Senator Hollingsworth

February 23, 2006

An act to add Section 123469 to the Health and Safety Code, relating to abortion.

LEGISLATIVE COUNSEL'S DIGEST

SB 1487, as introduced, Hollingsworth. Coerced abortion.

Existing law, the Reproductive Privacy Act, makes a surgical abortion unauthorized unless it complies with provisions of the Medical Practice Act that makes performance of an abortion by a person without a physician and surgeon's certificate subject to the provisions relating to the unauthorized practice of medicine. Violation of these provisions constitutes unprofessional conduct and is a crime.

This bill would prohibit a physician and surgeon from performing an abortion unless he or she has obtained the written assurance from the patient that she understands that she may not be coerced into having an abortion, and that her decision to have an abortion is voluntary. The bill would require a signed form to that effect be placed in the patient's chart. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 123469 is added to the Health and
2 Safety Code, to read:

3 123469. (a) No physician and surgeon shall perform an
4 abortion unless the physician and surgeon has obtained the
5 written assurance from the patient that she understands that she
6 may not be forced into having an abortion, and that her decision
7 to have an abortion was made voluntarily, without duress or
8 intimidation.

9 (b) The patient's chart shall contain a copy of a form signed by
10 the patient assuring that the abortion was obtained without force,
11 coercion, or intimidation. The form shall state in bold capital
12 letters:

13
14 "IT IS AGAINST THE LAW FOR ANYONE TO FORCE,
15 INTIMIDATE, OR COERCE YOU INTO HAVING AN
16 ABORTION."

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18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the
23 penalty for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition of a
25 crime within the meaning of Section 6 of Article XIII B of the
26 California Constitution.